

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND

KIM K. SUMNER,

*

Plaintiff

*

Civil Action No. 1:13-cv-00539-JRG

v.

*

MARYLAND JUDICIARY /
DISTRICT COURT OF MARYLAND,
et al.,

*

*

Defendants

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* * * * *

DEFENDANTS' MOTION TO ACCEPT AS TIMELY LATE FILING OF
DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT

Defendants by their attorneys, Douglas F. Gansler, Attorney General of Maryland, and Michele J. McDonald, Assistant Attorney General, pursuant to Fed. R. Civ. P. 6(b)(1)(B) and L.R. 105.9, requests for good cause shown, permission to file its Motion to Dismiss, or in the Alternative, for Summary Judgment, within 2 hours and 19 minutes after the expiration of the time when it was due.

1. Defendants' response to Plaintiff's 67 page, 173-paragraph Second Amended Complaint in the above-captioned case was due Monday October 27, 2014.

2. Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment was filed at 2:19 a.m. on October 28, 2014.

3. Although the motion was completed in advance of the filing deadline undersigned counsel had significant difficulty in formatting the table of contents and

authorities. Additionally, due to the manner in which the red-lined version of the Second Amended Complaint (ECF 90) was prepared, the individually numbered paragraphs were written over, renumbered, or unnumbered making it extremely difficult to compare or correlate the numbered paragraphs in the Amended Complaint and the Second Amended Complaint. Undersigned counsel spent several hours this evening attempting to update the references in the motion to specific paragraphs to reflect the new paragraphs numbers of the Second Amended Complaint.

4. Having completed the filing, Defendants request permission to file the Motion to Dismiss, or in the Alternative, for Summary Judgment, approximately 2 hours and 19 minutes beyond the deadline.

5. No prejudice will inure to Plaintiff by the 2 hour and 19 minute delay in filing.

WHEREFORE, based on the foregoing, Defendants, through counsel, respectfully requests that this Court grant its Motion to Accept as Timely, a late filing of its Motion to Dismiss, or in the Alternative, for Summary Judgment.

A proposed Order is submitted with this motion.

Respectfully submitted,

DOUGLAS F. GANSLER
Attorney General of Maryland

/s/

MICHELE J. McDONALD
Assistant Attorney General

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2014, a copy of the foregoing was served by electronic means via the Court's Case Management / Electronic Case Files (CM/ECF) system on the persons entitled to receive such notice:

Gerardine M. Delambo
705 Deepdene Road
Baltimore, MD 21210
Attorney for Plaintiff

/s/
Michele J. McDonald
Assistant Attorney General